

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re the Application of: Carl Frederick Behr et al

Serial No: 10/790,430      Group Art Unit: 1637  
Filed: March 1, 2004      Examiner: Suryaprabha Chunduru

For: CORN EVENT PV-ZMGT32(nk603) AND COMPOSITIONS  
AND METHODS FOR DETECTION THEREOF

Confirmation No.: 9938

Assistant Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT UNDER 35 U.S.C. 1.21

This paper is filed in response to the Office communication dated October 15, 2004. It is respectfully requested that the election below be entered with traverse and that the application be examined on the merits.

Remarks

In the action dated October 15, 2004, the U.S. Patent and Trademark Office required restriction under 35 U.S.C. 121 from among the following groups:

- I. Claims 7, 13, 16, drawn to a DNA molecule and a diagnostic kit, requiring DWQ ID Nos. 7-12, classified in Class 536, subclass 24.32,24.33.

II. Claim 9 and 11, drawn to a method of detecting the presence of a DNA molecule in a corn plant, requiring SEQ ID Nos. 7-12, classified in class 435, subclass 6.

Applicants elect Group I consisting of Claims 7, 13, and 16 with traverse and respectfully request that the application be examined on the merits. Applicants believe that it would not create an undue burden on the Examiner to conduct a search encompassing all of the claims. Further, Applicants reserve the right to file divisional applications to further prosecute non-elected groups.

Applicants elect Group I and respectfully traverse the Examiner's restriction requirement for the other claims of the invention. The invention as described is directed to methods of detection of a DNA molecule in a sample of corn DNA using DNA molecules described in the invention as DNA primer or probes. A diagnostic kit of group I provides one or more of the DNA molecules of SEQ ID Nos 7-12 for use as a primer or probe to detect corn plant PV-ZMGT32(nk603) DNA in a DNA sample. The DNA detection method applied in the kit is dependant upon whether the DNA molecules are used as primer or probes and those skilled in the art will know how to use the DNA molecules in an appropriate detection method. Group II provides the same DNA molecules as group I, directed to the use of the DNA molecules as primers or probes to produce a product and to detect the product of a DNA detection method. The product in each case is specific for corn plant PV-ZMGT32(nk603) DNA in a sample

Should any questions arise or if Applicants or Applicants' attorney can facilitate the examination of this application, it is respectfully requested that the PTO contact the undersigned attorney.

Respectfully submitted,

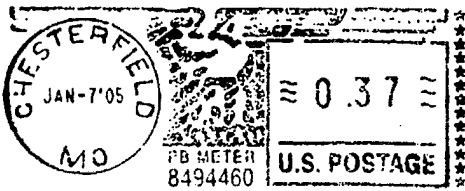


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